

ORDINANCE NO. 2016-008

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 132, SECTION 132.07 OF THE VILLAGE CODE REQUIRING DISTRIBUTED HANDBILLS TO BE SECURED; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER ANDREANA JACKSON)

WHEREAS, handbills are consistently distributed throughout North Bay Village in an unsecured manner, resulting in said handbills being blown or drifted and becoming litter; and

WHEREAS, the Village Commission feels that preventing handbills from becoming litter is necessary to protect the health, safety, and general welfare of North Bay Village residents.

NOW, THEREFORE, BE IT ENACTED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1: Chapter 132 Amended.

Section 132.07 of the Code of Ordinances of North Bay Village, Florida, is hereby amended to read as follows:

§ 132.07 -- Handbills.

(A) *"Handbill" defined.* The term "handbill," as used in this section, means any handbill, dodger, circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, banner, notice or other written, printed or painted matter circulated to attract the attention of the public, whether commercial or noncommercial.

(B) *Placing handbills on motor vehicles.* It shall be unlawful for any person to distribute or to procure distribution of or place any handbill on any motor vehicle without permission of the owner or operator by any means whatsoever, when such motor vehicle is parked, standing or stopped in a public street, highway or place.

(C) *Distribution of handbills.* It shall be unlawful for any person to distribute, deposit, throw, place, scatter, or cast any handbill in or upon any premises without first ensuring that each handbill so placed or deposited is secured to prevent it from being blown or drift thus becoming litter, except that mailboxes may not be used when so prohibited by federal postal laws or regulations.

~~(C)~~(D) *Penalty.* Violation of subsections ~~(A)~~, ~~and (B)~~, and (C) shall constitute a civil infraction subject to the procedures and penalties provided in chapter 153.

Section 2. **Repeal.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 3. **Severability.** The provisions of this Ordinance are declared to be non-severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall render this Ordinance void in its entirety.

Section 5. **Inclusion in the Code.** It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 6. **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Jorge Gonzalez, who moved for its approval. This motion was seconded by Commissioner Richard Chervony, and upon being put to a vote, the vote was as follows:

THE VOTES WERE AS FOLLOW:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Andreana Jackson	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

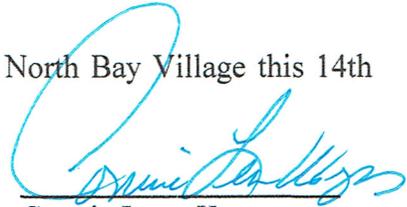
APPROVED ON FIRST READING during a regular session of the North Bay Village Commission Meeting this 10th day of May 2016.

A motion to enact the foregoing Ordinance was offered by Commissioner Andreana Jackson. This motion was seconded by Commissioner Richard Chervony and upon being put to a vote, the vote was as follows:

FINAL VOTE ON ADOPTION:

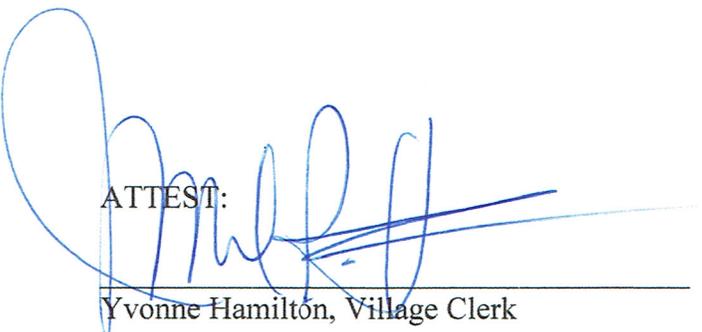
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Andreana Jackson	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

PASSED AND ENACTED by the Commission of North Bay Village this 14th day of June 2016.



Connie Leon-Kreps
Mayor

ATTEST:



Yvonne Hamilton, Village Clerk

APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE ONLY:



Village Attorney
Robert L. Switkes & Associates, P.A.